
United States
Circuit Court of Appeals
For the Ninth Circuit.

MARY HENN in Behalf of MABEL HENN, a Minor,
Appellant,

vs.

CHILDREN'S AGENCY (a Corporation), and KATH-
ERINE FELTON, President or Manager Thereof,
Appellees.

Transcript of Record.

Upon Appeal from the United States District Court for the
Northern District of California, First Division.

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ERINE FELTON, President or Manager Thereof,
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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*In the District Court of the United States in and for
the Northern District of California, First Di-
vision.*

No. 15,278.

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Names and Addresses of Attorneys.

For Petitioner and Appellant: HENRY B. LISTER,
Esquire, San Francisco, California.

For Respondent and Appellee: W. T. KEARNEY,
Esquire, San Francisco, California.

*In the District Court of the United States for the
Northern District of California, First Division.*

No. 15,278.

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Praeceptum for Record on Appeal.

To the Clerk of the Above-entitled Court:

Please prepare certified copies of the following
papers on file in your office in the above-entitled pro-
ceeding:

Petition for writ of habeas corpus, amended peti-
tion for writ of habeas corpus, demurrer to petition,
order to show cause, opinion sustaining demurrer to
petition for writ, petition for appeal, notice of ap-
peal, order granting appeal, assignment of errors,

citation, all minute orders other than those continuing matters, praecipe.

Respectfully,

HENRY B. LISTER,

Attorney for Petitioner.

[Endorsed]: Filed Sep. 6, 1912. Jas. P. Brown,
Clerk. By C. W. Calbreath, Deputy Clerk. [1*]

*In the District Court of the United States for the
Northern District of California.*

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Petition for Writ of Habeas Corpus.

To the Honorable Judges of the United States District Court for the Northern District of California:

The petition of Mary Henn respectfully shows that Mabel Henn is unlawfully imprisoned, detained, confined and restrained of her liberty by the Children's Agency, a corporation doing business in the City and County of San Francisco, State of California, and by Katherine Felton, the president or manager of said corporation.

That the said imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to wit: That your petitioner is and at all times mentioned herein was a resident of the State of Montana. That Mabel Henn is the minor daughter of your petitioner, being about ten

*Page-number appearing at foot of page of original certified Record.

years old. That said Mabel Henn was born to your petitioner in lawful wedlock in the State of Montana, the father also being at all times since her birth until his death a resident of the State of Montana.

That said Mabel Henn has never been emancipated by your petitioner or by any court of competent jurisdiction. Neither has said minor ever been abandoned by your petitioner.

That on or about the 27th day of May, 1910, the said Mabel Henn was taken on a visit to California by Marie Maginnis for her health, as she had been sick with typhoid fever, and such a change was necessary. That said Mabel Henn was only taken to California for the purpose of said [2] visit and on the agreement that she was to be returned to Montana within six months.

That for nearly two years your petitioner was unable to locate said Mabel Henn until she was recently informed of her whereabouts by said Marie Maginnis.

That the said Children's Agency and said Katherine Felton claim the custody of said minor through and by virtue of a decree of the Juvenile Court of the City and County of San Francisco, State of California, by which judgment it is claimed that said Mabel Henn has been emancipated from your petitioner and her care and custody given until her majority to said Children's Agency. That said minor has not been charged or convicted of any crime, and has never and is not subject to the probate jurisdiction of the State of California.

That the Act to wit: Act No. 1770, Statute 1911, pp. 63, 658 of the laws of the State of California is

unconstitutional by reason of the fact that more than two subjects are embraced in its title, and also that it violates Article XIII (13) of the Amendment to the United States Constitution by authorizing the enslaving of a minor whether they are competent to take care of themselves or not.

And also that it violates Article XIV (14) of the United States Constitution in that your petitioner has been and still is deprived of the care and custody of her minor child without any process being served on her. Also that said minor has been deprived of her liberty and the care and protection of a parent without due process of law.

WHEREFORE, your petitioner prays that a writ of habeas corpus may be granted directing the said Katherine Felton and the said Children's Agency, Incorporated, commanding her and it to have the body of said Mabel Henn before this Honorable [3] Court at a time and place therein to be specified to do and receive what shall then and there be considered by your Honors concerning her, together with the time and cause of her detention, and said writ: and that she may be restored to her liberty.

Dated June 13th, 1912.

MARY HENN,
Petitioner.

HENRY B. LISTER,
Attorney for Petitioner.

State of Montana,
County of Flathead,—ss.

Mary Henn, being first duly sworn, deposes and says: That she is the petitioner named in the above-

entitled action; that she has heard read the foregoing, her petition, and knows the contents thereof; that the same is true of her own knowledge, except as to matters therein stated on her belief and as to those matters that she believes to be true.

[Seal]

MARY HENN.

Subscribed and sworn to before me this 13th day of June, 1912.

GEORGE F. STANNARD,
Notary Public for the State of Montana, Residing at
Kalispell, Montana.

My commission expires July 14, 1912.

[Endorsed]: Filed Jun. 19, 1912. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [4]

*In the District Court of the United States, for the
Northern District of California, First Division.*

In the Matter of the Application of MARY HENN,
for a Writ of Habeas Corpus of MABEL
HENN.

Order to Show Cause.

ORDERED that Katherine Felton and the Children's Agency, a corporation, show cause before this Court on Tuesday, June 25th, 1912, at 10 o'clock in the forenoon of that day, why the Writ of Habeas Corpus should not be issued as prayed for in said petition.

FURTHER ORDERED that a copy of this order and the petition herein be served upon said Katherine

Felton and the Children's Agency on or before June 22d, 1912.

Dated: June 20th, 1912.

JOHN J. De HAVEN,
Judge.

[Endorsed]: Filed Jun. 20, 1912. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [5]

*In the District Court of the United States for the
Northern District of California, First Division.*

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Demurrer to Petition for Writ of Habeas Corpus.

Comes Katherine Felton, and the Children's Agency, a corporation, and demur to the petition of Mary Henn, praying for a writ of Habeas Corpus herein, on the following grounds to wit:

I.

That the Court has no jurisdiction of the person of Mabel Henn.

II.

That the Court has no jurisdiction of the subject of this action.

III.

That Mary Henn has no legal capacity to sue in this proceeding.

IV.

That there is another action pending between the same parties for the same cause.

V.

That the petition does not state facts sufficient to constitute a cause of action.

Wherefore said respondents pray that said petition be denied.

W. T. KEARNEY,
Attorney for Respondents.

W. T. Kearney, one of the attorneys for the said respondents, [6] hereby certifies that in his opinion, said demurrer is good in point of law, and is not taken to delay these proceedings.

W. T. KEARNEY.

[Endorsed]: Filed Jun. 25, 1912. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [7]

At a stated term of the District Court of the United States for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Wednesday, the 26th day of June, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. De HAVEN, Judge.

15,278.

In re Petition of MARY HENN for a Writ of Habeas Corpus.

Order Submitting Petition.

This matter this day came on for hearing on the return to the Order to Show Cause issued herein, and after hearing counsel for the respective parties, by the Court Ordered that said matter be, and the same

is hereby submitted to the Court for determination.
[8]

At a stated term of the District Court of the United States for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Thursday, the 27th day of June, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. De HAVEN, Judge.

15,278.

In re Petition of MAY HENN, for a Writ of Habeas Corpus for MABEL HENN.

Order Sustaining Demurrer and Denying Petition.

This matter having been heretofore submitted to the Court for determination, now after due consideration had, the Court files its written opinion, and by the Court Ordered that the Demurrer to the Petition for a Writ of Habeas Corpus, be, and the same is hereby sustained; Further Ordered, that said Petition be, and the same is hereby, denied. [9]

In the District Court of the United States for the Northern District of California, First Division.

No. 15,278.

In the Matter of the Application of MARY HENN for a Writ of Habeas Corpus in Behalf of MABEL HENN.

Opinion Sustaining Demurrer to Writ, etc.

De HAVEN, District Judge.—The petitioner alleges that Mabel Henn, age ten, is her minor daughter; that petitioner was at all the times mentioned in the petition and now is a resident of the State of Montana; that on or about the 27th day of May, 1910, the said Mabel Henn was taken from said State on a visit to California by one Marie Maginnis, for her health, and under an agreement that the child was to be returned to Montana within six months; that for nearly two years the petitioner was unable to locate said minor, and was only recently informed of her whereabouts. It is further alleged that the Children's Agency claims the right to the custody of said minor by virtue of a decree of the Juvenile Court for the City and County of San Francisco, State of California.

It is not claimed that there was any failure to take the steps required by the laws of the State of California in order to give that Court jurisdiction to render the judgment referred to; it must therefore be assumed that the procedure leading up to such judgment was in conformity with the requirements of such laws; but the petition alleges in substance that the statute of the State of California establishing said Juvenile Court "is unconstitutional by reason of the fact that more than two subjects are embraced in its title," and also because it violates the thirteenth amendment to the United States Constitution in that it authorizes the enslaving of a minor whether competent to take care of itself or not, and further that

it violates the fourteenth amendment to the Constitution [10] "in that your petitioner has been and still is deprived of the care and custody of her minor child without any process being served on her. Also that said minor has been deprived of her liberty and the care and protection of a parent without due process of law."

In my opinion, neither of these objections to the statute can be sustained.

The Demurrer to the petition is sustained and the application for a Writ of Habeas Corpus is denied.

[Endorsed]: Filed Jun. 27, 1912. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [11]

*In the District Court of the United States for the
Northern District of California.*

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Amended Petition for Writ of Habeas Corpus.

To the Honorable Judges of the United States District Court of the Northern District of California:

The amended petition of Mary Henn respectfully shows that Mabel Henn is unlawfully imprisoned, detained, confined and restrained of her liberty by the Children's Agency, a corporation doing business in the City and County of San Francisco, State of California, and by Katherine Felton, the president or manager of said corporation.

That said imprisonment, detention, confinement and

restraint are illegal, and that the illegality thereof consists in this, to wit: That said Mabel Henn now is and at all times since her birth has been a citizen and resident of the State of Montana. That said Mabel Henn does not now have and never has had any residence in the State of California. That your petitioner is now and at all times mentioned herein has been a citizen and resident of the State of Montana. That the said Mabel Henn is the lawful daughter of your petitioner. That her father is dead. That said Mabel Henn is a minor child about ten years of age, who is legally subject to the dominion of your petitioner, and who has never been emancipated from your petitioner. That said minor child is a ward of the State of Montana, and is subject to the dominion of your [12] petitioner under and by the virtue of the laws of the State of Montana.

That on or about the 27th day of May, 1910, said Mabel Henn was temporarily within the territory of the State of California, to wit, in the City and County of San Francisco.

That at or about said time said Mabel Henn was seized, under and by virtue of the process of the Superior Court of the State of California, in and for the City and County of San Francisco, and was charged with being a dependent child; under Subdivision 13, Sec. 1, Act 1770, as amended in 1911. Statutes of 1911, State of California, pp. 63, 658.

That no guardian *ad litem* was appointed for said minor child. That no process was served on your petitioner either in person or by substitution.

That said minor child was not charged with the

commission of any crime.

That under the provisions of section 3 of said act a petition was filed charging said minor with being within the county and being dependent, by reason of her father's death, and having no proper home.

That said minor was thereupon convicted of being an orphan within the county without having a proper home.

And was committed to the Children's Agency until her majority, to wit, until she shall have reached the age of twenty-one years.

That the said conviction of said minor, and the said delivery of her body with her services to said corporation for the period of eleven years, without any provisions for her release is slavery.

That section 3 of said Juvenile Court Act confers [13] jurisdiction on a State to enslave foreign minors without conviction for crime, and thereby violates the XIV Amendment to the United States Constitution.

That said section abridges the right of foreign minors to return to their own native states, and authorizes the imprisonment of them within the State without conviction of crime.

Wherefore, your petitioner prays that a writ of habeas corpus may be granted directing the said Katherine Felton and the said Children's Agency, Incorporated, commanding her and it to have the body of said Mabel Henn before this Honorable Court at a time and place therein to be specified to do and receive what shall then and there be considered by your Honors concerning her, together with the time and

cause of her detention, and said writ; and that she may be restored to her liberty.

Dated this 28th day of June, 1912.

MARY HENN,
Petitioner.

By HENRY B. LISTER,
Her Attorney.

State of California,
City and County of San Francisco,—ss.

Henry B. Lister, being first duly sworn, deposes and says: that he is the attorney for Mary Henn, the petitioner. That said petitioner is in the State of Montana, and therefore said petition is verified by affiant.

That affiant has read the foregoing petition and knows the contents thereof, that the same is true of his own knowledge except as to matters therein stated on ~~his own~~ information and belief, and as to those matters he believes it to be true.

That affiant's knowledge as ~~believes it to be true~~ to the matters occurring in Montana is based on correspondence of said Mary Henn.

HENRY B. LISTER. - [14]

Subscribed and sworn to before me this 28th day of June, A. D. 1912.

[Seal] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

Receipt of a copy of the within is hereby acknowledged this 28th—8th day of *July (June)*, 1912.

W. T. KEARNEY,
Attorney for Children's Agency.

[Endorsed]: Filed Jun. 28, 1912. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [15]

At a stated term of the District Court of the United States for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Friday, the 2d day of August, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. De HAVEN, Judge.

15,278.

In re Petition for Writ of Habeas Corpus on Behalf of MABEL HENN.

Order Denying Amended Petition for Writ.

On motion of Henry B. Lister, Esqr., the Amended Petition for a Writ of Habeas Corpus filed herein was submitted to the Court for determination, and thereupon after due consideration had thereon, by the Court, Ordered, that said Petition be, and the same is, hereby denied. [16]

In the District Court of the United States for the Northern District of California, First Division.

In the Matter of the Application of MARY HENN for a Writ of Habeas Corpus of MABEL HENN.

Petition for an Appeal.

Now comes the petitioner herein, and says: That on the 27th day of June, 1912, the demurrer of the respondents to petitioner's petition was sustained and

an order made denying petitioner's petition; that on the 29th day of June, 1912, the petitioner, herein, filed an amended petition for Writ of Habeas Corpus, and that on the 2d day of August, 1912, the said amended petition was denied, in which said orders and judgment certain errors were made to the prejudice of the petitioner, all of which will appear here in detail from the assignment of errors, filed herein.

Wherefore, this petitioner prays that an appeal may be granted in her behalf to the Circuit Court of Appeals for the Ninth Circuit, for the correction of the errors so complained of, and further that the transcript of the record, proceedings, and papers in the above-entitled matter, duly authenticated, may be sent, herein, to said Circuit Court of Appeals.

Dated this 26th day of August, 1912.

HENRY B. LISTER,
Attorney for Petitioner and Appellant.

[Endorsed]: Filed Aug. 26, 1912. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [17]

*In the United States District Court, Northern Dis-
trict of California, First Division.*

No. 15,278.

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus for MABEL
HENN.

Notice of Appeal.

The respondents, Catherine Felton and the Children's Agency, a corporation, and their attorney, William T. Kearney, will please take notice that the

petitioner in said cause, hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit, from the order sustaining respondent's demurrer to petition herein, and denying the said writ, made by the above-named District Court on the 27th day of June, 1912, and also from the order denying the amended petition for Writ of Habeas Corpus made by the above-named District Court on the 2d day of August, 1912, and from each part of said orders, and from the whole thereof.

Dated this 3d day of August, 1912.

HENRY B. LISTER,

Solicitor and of Counsel for Petitioner.

Received copy of the within notice of appeal, this 9th day of August, 1912, reserving all rights and objections.

W. T. KEARNEY.

By T. E. HAYD,

Attorney for Respondents.

[Endorsed]: Filed Aug. 9, 1912. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [18]

In the District Court of the United States for the Northern District of California, First Division.

No. 15,278.

In the Matter of the Application of MARY HENN
for a Writ of Habeas Corpus of MABEL
HENN.

Order Allowing Appeal.

Upon reading and filing the petition for an appeal in the above-entitled action, together with the assign-

ments of error, the Court being fully advised in the premises,

Now, therefore, it is hereby ordered that said appeal be granted, and a bond therefor, in the sum of \$100.00, shall be filed by appellant for damages and costs and that the record be transcribed and filed in the said United States Circuit Court for the Ninth Circuit, under said appeal as prayed and granted.

Dated this 26th day of August, 1912.

JOHN J. De HAVEN,

Judge of the United States District Court of the Ninth District of California, First Division.

[Endorsed]: Filed Aug. 26, 1912. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [19]

In the United States District Court, Northern District of California, First Division.

No. 15,278.

In the Matter of the Application of MARY HENN
for Writ of Habeas Corpus for MABEL
HENN.

Assignment of Errors.

The petitioner and appellant, in the above-entitled cause and proceeding, specifies the following as the errors committed by the District Court of the United States, in and for the Northern District of California, First Division, in its decision and orders in said cause, and also in the proceedings therein:

1. The said Court erred in sustaining the demurrer of respondents to petitioner's petition, and in denying said petition.

2. The said Court erred in denying the amended petition for Writ of Habeas Corpus.

In order that the foregoing assignment of error may be an appeal of record, petitioner and appellant herein files and presents the same to the Court, and prays that such disposition be made thereof as in accordance with the law in such cases made and provided, and said claimant and appellant prays a reversal of the orders, made and entered herein, and for judgment that the Writ of Habeas Corpus be issued, as prayed.

Dated, San Francisco, August 3d, 1912.

HENRY B. LISTER,

Solicitor and of Counsel for Petitioner.

Copy received this 9th day of August, 1912.

W. T. KEARNEY.

By T. E. HAYD,

Attorney for Respondents.

[Endorsed]: Filed Aug. 9, 1912. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [20]

Citation (Original).

UNITED STATES OF AMERICA,—ss:

The President of the United States, to Children's Agency (a Corporation), Catherine Felton, and William T. Kearney, Esq., Their Attorney, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty

days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court, 1st Division, for the Northern District of California, wherein Mary Henn was appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable JOHN J. De HAVEN, United States District Judge for the Northern District of California, this 5th day of September, A. D. 1912.

JOHN J. De HAVEN,
United States District Judge.

Receipt of a copy of the within Citation on Appeal on the respondents is hereby admitted to have been made this 5th day of September, 1912.

W. T. KEARNEY,
Attorney for Respondents.

[Endorsed]: No. 15,278. U. S. Circuit Court of Appeals for the Ninth Circuit. Mary Henn, Appellant, vs. Children's Agency and Catherine Felton, Appellees. Citation on Appeal. Filed Sep. 6. 1912. Jas. P. Brown, Clerk. By C. W. Calbreath, Deputy Clerk. [21]

Citation (Copy).

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Children's Agency (a Corporation), Catherine Felton, and William T. Kearney, Esq., Their Attorney, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court, 1st Division, for the Northern District of California, wherein Mary Henn was appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable JOHN J. De HAVEN, United States District Judge for the Northern District of California, this 5th day of September, A. D. 1912.

JOHN J. De HAVEN,
United States District Judge.

Receipt of a copy of the within Citation on Appeal on the respondents, is hereby admitted to have been made this 5th day of September, 1912.

W. T. KEARNEY,
Attorney for Respondent.

[Endorsed]: Filed Sep. 6, 1912. Jas. P. Brown, Clerk. By C. W. Calbreath, Deputy Clerk. [22]

Bond on Appeal.

KNOW ALL MEN BY THESE PRESENTS, that we, Henry B. Lister, as principal and National Surety Co., a corporation of New York, as sureties, are held and firmly bound unto the Children's Agency and Catherine Felton, in the full and just sum of One Hundred Dollars to be paid to the said Children's Agency and Catherine Felton, their certain attorney, executors, administrators or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 28th day of August, in the year of our Lord one thousand nine hundred and twelve.

WHEREAS, lately at a District Court of the United States for the Northern District of California, in a suit depending in said court, between Mary Henn, petitioner, for a Writ of Habeas Corpus of the person of Mabel Henn and in which the Children's Agency (a corporation), and Catherine Felton, were respondent, an order was rendered against the said Mary Henn denying to issue a writ, and the said Mary Henn, having obtained from said court an Order allowing her appeal to reverse the order in the aforesaid suit, and a citation directed to the said Children's Agency and Catherine Felton, citing and admonishing them to be and appear at a United States Circuit Court of Appeals, for the Ninth Cir-

cuit, to be holden at San Francisco, in the State of California—

NOW, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said Mary Henn shall prosecute said appeal to effect, and answer all damages and costs if she fail to make her plea good, then the above obligation to be void; else to remain in full force and virtue.

HENRY B. LISTER. [Seal] [23]
NATIONAL SURETY COMPANY, [Seal]
By FRANK L. GILBERT,

Attorney in Fact.

Acknowledged before me the day and year first above written.

Clerk U. S. Circuit Court of Appeals for the Ninth Circuit.

Form on Bond and sufficiency of sureties approved.

JOHN J. De HAVEN,
Judge.

[Endorsed]: Filed Sep. 5, 1912. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [24]

Certificate of Clerk District Court to Transcript.

I, Jas. P. Brown, Clerk of the District Court of the United States for the Northern District of California, hereby certify the foregoing and hereto attached twenty-four pages, numbered from 1 to 24, inclusive, constitute a full, true and correct transcript of the records, as the same now appear on file and of record in this office in the matter of the application of Mary Henn for a Writ of Habeas Corpus of Mabel Henn,

numbered 15,278. That said Transcript is made up pursuant to the "Praecipe for Record on Appeal," embodied in said transcript and the instructions of Henry B. Lister, Esquire, attorney for the appellant herein.

I further certify that the costs of preparing and certifying the foregoing Transcript is the sum of Ten Dollars and Ninety Cents (\$10.90), and that the same has been paid to me by the attorney for appellant herein.

In Witness Whereof, I have hereunto set my hand and official seal of said District Court, this 4th day of October, A. D. 1912.

[Seal]

JAS. P. BROWN,
Clerk.

By Francis Krull,
Deputy Clerk. [25]

[Endorsed]: No. 2188. United States Circuit Court of Appeals for the Ninth Circuit. Mary Henn in Behalf of Mabel Henn, a Minor, Appellant, vs. Children's Agency (a Corporation), and Katherine Felton, President or Manager Thereof, Appellees. Transcript of Record. Upon Appeal from the United States District Court for the Northern District of California, First Division.

Filed October 4, 1912.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

